

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DOROTHY HOULIHAN,

Plaintiff,

v.

SUSSEX TECHNICAL SCHOOL DISTRICT,
SUSSEX TECHNICAL SCHOOL DISTRICT
BOARD OF EDUCATION, SANDRA WALLS-
CULOTTA, individually, and in her official
capacity.

Defendants.

)
)
)
) C.A. No. 05-00194 JJF
)
)

) TRIAL BY JURY OF TWELVE
) DEMANDED
)

) E-FILE
)
)
)
)

PROPOSED JOINT AMENDED RULE 16 SCHEDULING ORDER

The parties having satisfied their obligations under Fed. R. Civ. P. 26(f),

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties will exchange by **January 5, 2007**, the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2.
2. **Joinder of other Parties.** All motions to join other parties shall be filed on or before **March 12, 2007**.
3. **Settlement Conference.** Pursuant to 28 U.S.C. § 636, this matter is referred to Magistrate Judge Thyng for the purposes of exploring the possibility of a settlement. If the parties agree that they would benefit from a settlement conference, the parties shall contact Magistrate Judge Thyng to schedule a settlement conference so as to be completed no later than the Pretrial Conference or a date ordered by the Court.

4. Discovery.

(a) Exchange and completion of interrogatories, identification of all fact witnesses and document production shall be commenced so as to be completed by **April 15, 2007**.

(b) Maximum of fifty (30) interrogatories by each party to any other party.

(c) Maximum of fifty (30) requests for admission by each party to any other party.

(d) Maximum of fourteen (14) depositions by plaintiff and fourteen (14) by defendant(s). Depositions shall not commence until the discovery required by Paragraph 4 (a, b and c) are completed.

(e) Reports from retained experts required by Fed. R. Civ. P. 26(a)(2) are due from the plaintiffs by Monday **July 30, 2007**, and from the defendants by 60 days from the date that all transcripts of plaintiff's deposition become available.¹

(f) Any party desiring to depose an expert witness shall notice and complete said deposition no later than thirty (30) days from receipt of said expert's report or 30 days from counsels' receipt of all plaintiff's deposition transcripts, whichever is later, unless otherwise agreed in writing by the parties.

5. Discovery Disputes.

(a) A party seeking discovery which the opposing party refuses to provide shall file a motion (no brief) pursuant to Rule 37 of the Federal Rules of Civil Procedure and

¹ Subject to the availability of a mutually convenient time for defendants' medical expert to conduct an Independent Medical Examination ("IME") of plaintiff. If necessary, the parties are directed to arrive at a mutually agreeable schedule as to the report of the defendant's medical expert, taking into account the date of said IME.

Local Rule 37.1. Said motion shall not exceed a total of four (4) pages. An Answer to the Rule 37 motion, not to exceed four (4) pages, shall be filed within five (5) days of service of the motion. No reply is permitted.

(b) All papers shall set forth in a plain and concise manner the issue(s) in dispute, the party's position on the issue(s), and the reasons for the party's position.

(c) Upon receipt of the Answer, the movant shall notify Chambers by e-mail at *jff_civil@ded.uscourts.gov* that the parties have completed briefing.

(d) Upon receipt of the movant's e-mail, the Court will determine whether a conference is necessary and advise the parties accordingly.

(e) There is no limit on the number of Rule 37 motions a party may file, unless otherwise ordered by the Court.

6. **Amendment on the Pleadings.** All motions to amend the pleadings shall be filed on or before Tuesday May 1, 2007.

7. **Case Dispositive Motions.** Any case dispositive motions, pursuant to the Federal Rules of Civil Procedure, shall be served and filed with an opening brief on or before **March 1, 2008**. Briefing shall be pursuant to D. Del. LR 7.1.2. No case dispositive motion may be filed more than ten (10) days from the above date without leave of the Court.

8. **Applications by Motion.**

(a) Any applications to the Court shall be by written motion filed with the Clerk of the Court in compliance with the Federal Rules of Civil Procedure and the Local Rules of Civil Practice for the United States District Court for the District of Delaware (Amended Effective January 1, 1995). Any non-dispositive motion shall contain the statement required by

D. Del. LR 7.1.1. Parties may file stipulated and unopposed Orders with the Clerk of the Court for the Court's review and signing. The Court will not consider applications and requests submitted by letter or in a form other than a motion.

(b) No facsimile transmissions will be accepted.

(c) No telephone calls shall be made to Chambers.

(d) Any party with a true emergency matter requiring the assistance of the Court shall e-mail Chambers at: *jff_civil@ded.uscourts.gov*. The e-mail shall provide a short statement describing the emergency.

9. **Pretrial Conference and Trial.** After reviewing the parties' Proposed Scheduling Order, the Court will schedule a Pretrial Conference.

The Court will determine whether the trial date should be scheduled when the Scheduling Order is entered or at the Pretrial Conference. If scheduling of the trial date is deferred until the Pretrial Conference, the parties and counsel shall anticipate and prepare for a trial to be held within sixty (60) to ninety (90) days of the Pretrial Conference.

STUMPF, VICERS & SANDY, P.A.

WHITE AND WILLIAMS LLP

/s/ Brian F. Dolan
Brian F. Dolan, (DE #3190)
8 West Market Street
Georgetown, DE 19947
(302) 856-3561
Attorney for Plaintiff

/s/ James S. Yoder
James S. Yoder, (DE #2643)
824 N. Market Street, Suite 902
Wilmington, DE 19899-0709
Tel: (302) 467-4524
Fax:: (302) 467-4554
Attorneys for Defendants

It is SO ORDERED this 16 day of November, 2007.


UNITED STATES DISTRICT JUDGE